

REMARKS

Claims 1-43 and 58-71 were pending. Claims 1, 58, 70, and 71 have been amended. Claims 72-73 have been added. Support for the new claims may be found in at least paragraph 71. Accordingly, claims 1-43 and 58-73 remain pending subsequent entry of the present amendment.

35 U.S.C. § 112 Rejections

Claims 1-43, 68 and 70 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular it is suggested that while the preambles of claims 1 and 70 are directed to apparatus, the claim limitations are method steps. In the present Office Action, it is stated the examiner is relying on MPEP 2173.05(p)(II). However, Applicant draws the examiner's attention to MPEP at 2106(IV)(B) wherein it states:

“Note that an apparatus claim with process steps is not classified as a ‘hybrid’ claim; instead, it is simply an apparatus claim including functional limitations. *See, e.g., R.A.C.C. Indus. v. Stun-Tech, Inc., 178 F.3d 1309 (Fed. Cir. 1998) (unpublished).*”

As stated in MPEP 2173.05(g): “A functional limitation is an attempt to define something by what it does, rather than by what it is There is nothing inherently wrong with defining some part of an invention in functional terms.”

Accordingly, claims 1-43, 68, and 70 are believed proper and withdrawal of the rejections is requested.

Nevertheless, should the examiner continue to believe the claims do not meet the requirements of 35 U.S.C. § 112, a telephone interview is requested to facilitate a more speedy resolution.

35 U.S.C. § 102 and § 103 Rejections

In the present Office Action claims 1-4, 7, 42, 43, 58, 59 and 67 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,337,715 (hereinafter “Inagaki”). Claims 5-11, 26-27 and 59-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Inagaki in view of Program Guide for Digital Television ATSC Standard (hereinafter “ATSC”). Applicant submits each of the pending claims recite features neither disclosed nor suggested by the cited art. Accordingly, Applicant traverses the above rejections and requests reconsideration.

For example, claim 1 recites a receiver which includes a generic data processing engine configured to “receive a format definition, wherein said format definition comprises a description of a grammar which defines a syntax of a target language.” Applicant believes at least the above highlighted features are wholly absent from the cited art. In contrast to the above, Inagaki discloses downloading and executing (decoding) software. Applicant submits such software is not a definition which describes a grammar which defines a syntax of a language as recited in the claim. There is no disclosure or suggestion of such features in Inagaki. For at least these reasons, claim 1 is patently distinct from the cited art. Claims 58, 70, and 71 are distinguishable for similar reasons.

Further, there is nothing to suggest modifying Inagaki to meet the features of the present claims. Inagaki is simply directed to downloading and executing (buffered) software. The concepts of grammar definitions and the like are completely absent from the reference. Further, the cited art (ATSC) merely discloses a description as to how data is to be formatted in order to comply with the ATSC standard. Broadcasters may use the predetermined formats in order to convey data according to the standard. Having knowledge of the ATSC standard does not suggest any such combination or modifications to meet the claims. In contrast, a broadcaster would simply refer to the standard to determine how to broadcast their signals.

Finally, claim 72 further recites the processing engine comprises a format specification interface which includes a syntax initialization engine and a semantics initialization engine. Claim 73 further recites said syntax initialization engine includes a lexical analyzer and parser. These features are wholly absent from the cited art, taken either singly or in combination.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-09300/RDR.

Respectfully submitted,

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